

UNITED STATES DISTRICT COURT
Northern District of Ohio

United States of America

ORDER SETTING CONDITIONS
OF RELEASE

v.

Alex David Code,
Defendant.

Case Number:

3:10 MJ 5100

2010 NOV 12 PM 4:08
COURT CLERK'S OFFICE
NORTHERN DISTRICT OF OHIO
FILED

Release on Personal Recognizance, Unsecured, or Secured Bond

IT IS ORDERED that the defendant be released provided that:

Personal Recognizance

() 1. The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.

Unsecured

(✓) 2. The defendant executes an unsecured bond binding the defendant to pay the United States the sum of Ten Thousand dollars (\$10,000.00) in the event the defendant fails to appear as required or fails to surrender for service of any sentence imposed.

Secured Bond (Cash or 10%)

() 3. The defendant executes a secured bond binding the defendant to pay the United States the sum of \$ _____ dollars. and there has been deposited in the Registry of the Court the sum of \$ _____, in (cash, 10% or describe surety) in the event the defendant fails to appear as required or fails to surrender for service on any sentence imposed.

Secured Bond (Property)

() 4. The defendant executes an agreement to forfeit upon failing to appear as required, property of a sufficient unencumbered value, including money, and shall provide the court with proof of ownership and the value of the property along with information regarding existing encumbrances as the judicial office may require.

Standard Conditions of Release

(x) 5. The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.

(x) 6. The defendant shall immediately advise the Pretrial Services Office, defense counsel and the U.S. Attorney in writing before any change in address and telephone number.

(x) 7. The Defendant shall refrain from possessing a firearm, destructive device or dangerous weapon.

(x) 8. Defendant's travel is restricted to the Northern District of Ohio and/or _____ subject to further order of the court.

(x) 9. Refrain from use or unlawful possession of a narcotic drug or other controlled substance defined in 21 U.S.C. Section 802 unless prescribed by a licensed medical practitioner.

(x) 10. The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.

(x) 11. The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. 1413a.

12. Pretrial Supervision (Check Box "A" or "B")

() A. Submit to Pretrial Services supervision by telephone/fax/mail for the limited purpose of confirming residence and employment. Further conditions may be imposed with approval of a judge of the court.

(✓) B. Submit to Pretrial Services supervision as directed, and submit to home or employment visits by Pretrial Services as deemed necessary, and promptly inform Pretrial Services of any address, phone number, or employment changes.

Special Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonable assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the special conditions marked below:

The defendant shall:

- () A. The defendant shall comply with the Northern District of Ohio Defendant/Offender Employment Policy which may include participation in training, education, counseling, and/or daily job search as directed by the pretrial services and probation officer. If not in compliance with the condition of supervision requiring full-time employment at a lawful occupation, the defendant may be directed to perform up to 20 hours of community service per week until employed, as approved or directed by the pretrial services and probation officer.
- () B. Maintain or commence an education program.
- () C. Surrender any passport to: _____ no later than _____ and/or obtain no new passport.
- () D. Submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. Participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer. Refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing which is required as a condition of release.
- () E. Refrain from any use of alcohol.
- (✓) F. Undergo a psychiatric/mental health evaluation and/or counseling as directed by Pretrial Services. Take all medications as prescribed.
- () G. Avoid all contact with co-defendants.
- () H. Avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution.
- (✓) I. Maintain residence with/at: as approved by Pretrial Services
- () J. Clear all outstanding warrants by: _____
- (✓) K. Location Monitoring Program
- () Participate in the Curfew component of the location monitoring program and abide by all requirements of the program which will include:
 - () Location monitoring technology at the discretion of the officer
 - () Radio Frequency (RF) Monitoring
 - () Passive GPS Monitoring
 - () Active GPS Monitoring (to include hybrid GPS)

You shall pay the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer. Curfew: the defendant is restricted to their residence every day from to, or as directed by Pretrial Services.

- (✓) Participate in the Home Detention component of the location monitoring program and abide by all Requirements of the program which will include:

- () Location monitoring technology at the discretion of the officer
- () Radio Frequency (RF) Monitoring
- () Passive GPS Monitoring
- () Active GPS Monitoring (to include hybrid GPS)

You shall pay the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer. Home Detention: The defendant is restricted to their residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by Pretrial Services.

At government expense.

() Participate in the Home Incarceration component of the location monitoring program and abide by all requirements of the program which will include:

- () Location monitoring technology at the discretion of the officer
- () Radio Frequency (RF) Monitoring
- () Passive GPS Monitoring
- () Active GPS Monitoring (to include hybrid GPS)

You shall pay the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer. Home Incarceration: The defendant is restricted to their residence at all times except for medical needs or treatment, religious services, attorney visits, and court appearances pre-approved by Pretrial Services. *80*

(✓) L. The defendant is placed in custody of: (Name of Person or Organization) Jerry & Eva Cook
Fredricktown, OH (City and State) 7 (Telephone Number)

Who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears. *Jerry & Eva Cook* Date: 11-12-10

Signed by Custodian or Proxy: *Jerry & Eva Cook* Date: 11-12-10

() M. The defendant shall participate in cognitive behavioral program as instructed by the pretrial services and probation officer.

() N. No unsupervised contact with any person under the age of 18.

() O. **Prohibition on Access to Computer/Internet:** The defendant is prohibited from accessing any computer, Internet Service Provider, bulletin board system or any other public or private computer network or the service at any location * (including employment or education) without prior written approval of the U.S. Pretrial Services and Probation Office or the Court. Any approval shall be subject to any conditions set by the U.S. Pretrial Services and Probation Office or the Court with respect to that approval. Any computer found is subject to seizure and/or search. A search will not be conducted prior to approval of the Court.

() P. **Computer/Internet Access Permitted:** The defendant shall consent to the U.S. Pretrial Services and Probation Office conducting periodic unannounced examinations of his/her computer system(s), which may include retrieval and copying of all memory from hardware/software and/or removal of such system(s) for the purpose of conducting a more thorough inspection and will consent to having installed on his/her computer(s), at his/her expense, any hardware/software to monitor his/her computer use or prevent access to particular materials. The defendant hereby consents to periodic inspection of any such installed hardware/software to insure it is functioning properly. The defendant shall provide the U.S. Pretrial Services and Probation Office with accurate information about his/her entire computer system (hardware/software); all passwords used by him/her; and his/her Internet Service Provider(s); and will abide by all rules of the Computer Restriction and Monitoring Program.

(✓) Q. **Computer/Internet Restrictions:** The defendant is prohibited from accessing any on-line computer service at any location (including employment or education) without prior written approval of the U.S. Pretrial Services and Probation Office or the Court. This includes any Internet Service Provider, bulletin board system or any other public or private computer network. Any approval shall be subject to conditions set by the U.S. Pretrial Services and Probation Office or the Court with respect to that approval.

The defendant shall consent to the U.S. Pretrial Services and Probation Office conducting periodic unannounced examinations of his/her computer system(s), which may include retrieval and copying of all memory from hardware/software and/or removal of such system(s) for the purpose of conducting a more thorough inspection and will consent to having installed on his/her computer(s), at the defendant's expense, any hardware/software to monitor his/her computer use or prevent access to particular materials. The defendant hereby consents to periodic inspection of any such installed hardware/software to insure it is functioning properly.

The defendant shall provide the U.S. Pretrial Services and Probation Office with accurate information about the defendant's entire computer system (hardware/software); all passwords used by him/her; and the defendant's Internet Service Provider(s); and will abide by all rules of the Computer Restriction and Monitoring Program.

(✓) R. Parents will agree to remove weapons from their home.

(✓) S. Defendant released to Mark Miller of Pretrial Services until parents pick him up.

s/ James R. Knepp, II
 United States Magistrate/District Court Judge

TO THE DEFENDANT:**YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. The sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim, or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

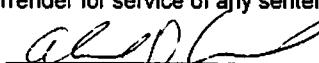
If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- 1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- 2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisonment for not more than five years, or both;
- 3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- 4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant:

Fridley, MN 55432
City and State:

Telephone

Directions to United States Marshal

() The defendant is ORDERED released after processing.
 () The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judge at the time and place specified, if still in custody.

Date: 11-12-10

s/ James R. Knepp, II

Signature of Judicial Officer

James R. Knepp, II, Magistrate Judge

Name and Title of Judicial Officer

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL